

Chairperson Michael Kunzer called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:05 PM. The members present were Michael Kunzer, Tiffany Paine-Cirincione, Christine Kubida and Charles Buss. Phil Williamson, Code Enforcement Officer; and Norm Druschel, Building Inspector were also present. Becky Appleman attended via phone, listening to the meeting only while being unable to participate or vote. Due to the COVID-19 pandemic and to comply with CDC social distancing, the meeting was held via video conferencing, accessible live to the public.

Chairperson Kunzer asked if there were any corrections to the minutes of June 1, 2020. No issues or concerns were brought forward. Charles Buss made a motion, seconded by Christine Kubida, to approve the minutes of June 1, 2020 as written. All members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the Agenda.

**1. Application of Drew Power and Laura Bliss Power of 2127 Johnny seeking an area variance for the property located at 2127 Johnny Lane that does not comply with the required side setback. The applicant seeks relief from Section 180-21 (A), Setback Requirements. Property is zoned R-Residential. (Public Hearing)**

Chairperson Kunzer opened the public hearing at 7:11 PM.

Drew Power and Laura Bliss Power of 2127 Johnny Lane came forward to speak before the Board. Ms. Bliss Power said she and Mr. Power received a shed as a gift and were not present when the shed was placed. Ms. Bliss Power and Mr. Power paid to have the shed moved within about 1 week of the placement to the location where it is now according to the side setback requirement of 8 feet. Ms. Bliss Power said she and Mr. Power would like to leave the shed where it is now because of the expense to move it and the location is not wet, with the condition that it would be moved if necessary when a road was to come through next to their property. Mr. Buss asked if the shed is in the 10-foot wide utility easement. Mr. Druschel said the shed looks to be 2 feet into the 10-foot utility easement but there are no utilities in that easement at this time. Mr. Kunzer said the shed will be within the 40-foot front set back once the road is put in and the lot becomes a corner lot. Mr. Kunzer said if a house is built north of the applicants' house once the road is put in, the shed will be within that homeowner's view. Ms. Kubida said the shed will be in the view of the future houses to the north if it is within the required setback. Mr. Buss said the shed is not in the line of sight for the future intersection. Mr. Druschel said the Walworth Planning Board approved the future road and development so the road location cannot be changed. Ms. Kubida asked how much it would cost to move the shed. Ms. Bliss Power said it would be about \$200 to move the shed and they would need to do considerable groundwork to move the shed to the back area of the yard.

Chairperson Kunzer asked if there were any comments from the public. No issues were brought forward. Chairperson Kunzer closed the public hearing at 7:30 PM.

Mr. Williamson said the Board could delay making a decision and get advice of the Attorney for the Town. Ms. Paine-Cirincione asked if the variance is needed right now since the shed is not in a front yard at this time. Mr. Druschel said in his opinion they should not need a variance since it is not in a front yard now and there are no utilities in the easement. Ms. Kubida said it is a nice looking shed and the homeowner already moved the shed. Mr. Williamson said the Board could place a condition on the variance that the shed would need to be moved 2 feet for the 10-foot utility easement if needed.

Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward.

Mr. Druschel asked if he can issue a certificate of compliance on the location of the shed where it is right now. Mr. Williamson said he can because the variance makes it acceptable. Mr. Buss said the only reason the shed would need to be moved is if it is where the utility companies would need to place the utilities. Chairperson Kunzer said this condition can be put on the variance.

Chairperson Kunzer read the Town of Walworth Zoning Board of Appeals Variance Determination Resolution:

With regard to Application at 2127 Johnny Lane for an area variance requesting relief from Town Code Section 180-21 (A), Yard Requirements.

WHEREAS, a public hearing with regard to said Application was duly advertised and held, and

WHEREAS, the Zoning Board of Appeals has taken into consideration the benefit to the applicant as weighted against the potential detriment of the health, safety and welfare of the neighborhood or community in relation to such Variance; and

WHEREAS, the Zoning Board of Appeals has considered all relevant information, now therefore, be it

RESOLVED, that the Zoning Board of Appeals make the following finding of fact regarding the variance:

- 1) The granting of the variance **will not** result in an undesirable change to the character of the neighborhood or a detriment to nearby properties since it will not change the characteristic as it sits today.
- 2) The variance being sought by the applicant **cannot** be achieved by some other feasible alternative because it is the best location for the shed.
- 3) The area variance **is** substantial since relief sought is approximately 32 feet of the required 40 feet required.
- 4) The variance **will not** have a negative effect or impact on the physical or environmental conditions in the neighborhood since it will not change the environmental conditions and it is a nice shed.
- 5) The difficulty resulting in the request for the variance **was** self-created since the applicants purchased a corner lot and placed the shed where it sits, but this factor is merely a consideration and is not necessarily determinative.

CONDITIONS: The Zoning Board of Appeals finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, to the reason following:

Condition: If the future road is developed and the shed is sitting in the 10-foot utility easement, the shed will have to be moved at that time.

AND, BE IT FURTHER, RESOLVED, that based upon said finds, the Zoning Board of Appeals hereby determined that said variance is approved with the above-mentioned condition.

Charles Buss made a motion, seconded by Christine Kubida, to grant Drew Power and Laura Bliss Power the requested area variance.

Roll Vote:	Chairperson Kunzer	Aye
	Christine Kubida	Aye
	Tiffany Paine-Cirrincione	Aye
	Charles Buss	Aye
	Becky Appleman	Abstain

Motion carried.

Chairperson Kunzer addressed the second item on the Agenda.

**2. Jeff Wagner of 3806 West Walworth Road seeking an area variance for the property located at 3806 West Walworth Road that does not comply with the required side setback. The applicant seeks relief from Section 180-13 (K) (1) and 180-21 (A), Setback Requirements. Property is zoned Hamlet. (Public Hearing)**

Chairperson Kunzer said the applicant is not at this meeting and the application is incomplete so this application will not be considered at this time. Chairperson Kunzer said a completed application would need to be submitted be August 14, 2020 to be reviewed at the next Zoning Board meeting on September 8, 2020.

Chairperson Kunzer adjourned the meeting at 8:30 PM.

Respectfully submitted,

Barbara Goulette, Clerk